

Town Board Minutes

Meeting No. 16

Special Meeting

May 6, 2002

Town Board Minutes

May 6, 2002

Meeting No. 16

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6th day of May 2002, at 6:30 PM and there were

PRESENT:

- ROBERT GIZA, SUPERVISOR**
- MARK MONTOUR, COUNCIL MEMBER**
- RONALD RUFFINO, COUNCIL MEMBER**
- DONNA STEMPIAK, COUNCIL MEMBER**
- RICHARD ZARBO, COUNCIL MEMBER***
- REBECCA ANDERSON, PLANNING BOARD MEMBER**
- JOHN GOBER, PLANNING BOARD MEMBER**
- STANLEY KEYS, PLANNING BOARD CHAIRMAN**
- LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER**
- MICHAEL MYSZKA, PLANNING BOARD MEMBER**
- MELVIN SZYMANSKI, PLANNING BOARD MEMBER**

ABSENT: **STEVEN SOCHA, PLANNING BOARD MEMBER**

ALSO PRESENT:

- JOHANNA COLEMAN, TOWN CLERK**
- RICHARD SHERWOOD, TOWN ATTORNEY**
- ROBERT LABENSKI, TOWN ENGINEER**

* Arrived at 6:45 P.M. but did not participate.

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for the purpose of four (4) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
GARDEN PLACE HOTEL SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Garden Place Hotel site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
GARDEN PLACE HOTEL
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 2.82 acres.

The location of the premises being reviewed is situate at 6615 Transit Road, Lancaster, New York, County of Erie.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.
No significant adverse effects noted
 - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No significant adverse effects noted
 - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No significant adverse effects noted
 - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No significant adverse effects noted
 - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No significant adverse effects noted
 - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No significant adverse effects noted
 - C.7 Other impacts (including changes in use of either quantity or type of energy).
No significant adverse effects noted

It is noted that the letter on file from the Department of Environmental Conservation, dated April 18, 2002, indicates that the expansion of the parking lot does not encroach upon the one hundred (100) foot wetland buffer.

- D. The project will have no impact on the environmental characteristics that caused the establishment of a CEA.

- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

SEAL

May 6, 2002

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon adopted.

May 6, 2002

**IN THE MATTER OF THE SEQR REVIEW OF THE
ELECTROSYNTHESIS SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Electrosynthesis site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER MYZKA
WHO MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER KEYSA, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
ELECTROSYNTHESIS
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 4.045 acres.

The location of the premises being reviewed is situated at 72 Ward Road, Lancaster, New York, County of Erie.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR617.14(g).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

May 6, 2002

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

The Notice of Determination was thereupon adopted.

May 6, 2002

IN THE MATTER OF THE SEQR REVIEW OF THE

SBA PROPERTIES, INC. SITE PLAN

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the SBA Properties, Inc. site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY
PLANNING BOARD MEMBER SZYMANSKI WHO
MOVED ITS ADOPTION, SECONDED BY PLANNING
BOARD MEMBER KORZENIEWSKI, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
SBA PROPERTIES, INC. SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 0.41± acres.

The location of the premises being reviewed is 69 Cemetery Road, Lancaster, New York, County of Erie.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. Since the proposed action will be in sharp contrast to current surrounding land use, it will have a small to moderate impact on aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR617.14(g).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will not affect the character of the existing community.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

May 6, 2002

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED*
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

*Present but did not participate.

The Notice of Determination was thereupon adopted.

May 6, 2002

**IN THE MATTER OF THE SEQR REVIEW OF THE
NORTH FOREST DEVELOPMENT (WEHRLE COMMONS)
REZONE PETITION**

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 15.17 acres.

The location of the premises being reviewed is 2801 Wehrle Drive.

The Municipal Review Committee proceeded with Part 3 entitled "Evaluation of the Importance of Impacts" on the North Forest Development (Wehrle Commons) rezone matter with a review and discussion of the three potentially large impacts as identified in the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" and dated February 4, 2002.

**THE FOLLOWING MOTION WAS OFFERED BY PLANNING
BOARD CHAIRMAN KEYSA, WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:**

To reopen the Municipal Review Committee's original determination in order to analyze in greater detail the project sponsor's responses to the potentially large impacts identified on February 4, 2002.

The question of the adoption of the foregoing motion was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED *
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

* Present but did not participate.

The Motion to reopen the Environmental Assessment was thereupon adopted.

THE FOLLOWING MOTION WAS OFFERED BY PLANNING BOARD CHAIRMAN KEYSA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPIAK, TO WIT:

To accept the project sponsor's responses as adequate mitigation of the previously identified "potentially large" impacts. Specifically:

- to alter the finding from "potentially large" to "small to moderate" with respect to Discharge Wetlands.
- to alter the finding from "potentially large" to "small to moderate" with respect to Archaeology. As a part of this finding it is to be noted that the developer has proposed that there will be no disturbance to an area at the southwest corner of the property measuring 120 ft. by 130 ft. which is adjacent to the "Gipple Cabin".
- to alter the finding from "potentially large" to "small to moderate" with respect to Traffic.

It is noted that the project proponent has suggested mitigation, which the Municipal Review Committee is considering to be a part of the plan, and that the Municipal Review Committee's determination is based upon the fact that these mitigations have been proposed and will be implemented by the proponent. The proponent further agrees that prior to any disturbance of the southwest corner identified above that an archaeological study will be submitted to the Planning Board for review and recommendation to the Town Board.

It is further noted that the Archaeological Plan be presented to the Planning Board for review and recommendation prior to the issuance of any building permits and prior to Town Board approval.

The question of the adoption of the foregoing motion was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED *
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

* Present but did not participate.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER MYSZKA WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the previously adopted Positive Declaration be amended to a Negative Declaration based upon the representations made by the project sponsor through a communication from his attorney, Jeffrey D. Palumbo, Esq., dated April 1, 2002.

The question of the adoption of the foregoing motion was duly put to a voice vote which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED *
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

* Present but did not participate.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

May 6, 2002

ADJOURNMENT:

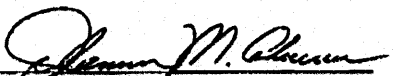
ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED
BY COUNCIL MEMBER RUFFINO FOR ADJOURNMENT OF THE MEETING, on voice
vote, which resulted as follows:

SUPERVISOR OIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED*
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES

*Present but did not participate.

The meeting was adjourned at 7:18 P.M.

Signed


Johannu M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 17

Regular Meeting

May 6, 2002

Town Board Minutes

May 6, 2002

Meeting No. 17

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6th day of May 2002 at 8:00 P.M. and there were

PRESENT: MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
RICHARD ZARBO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR
THOMAS FOWLER, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR
TERRENCE McCRACKEN, GENERAL CREW CHIEF
MARY ANN PERRELLO, DEPUTY TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questions about appointments to Recreation Department summer programs and the pay scale differential.

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Comments about site plan approval for Gateway Center at Transit Road & William Street; feels that it is premature.

Hammer, Fred, 240 Ransom Road, spoke to the Town Board on the following matters:

- Questioned the location of proposed Tim Horton's Coffee Shop.
- Comments about project at Transit Road & William Street.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matters:

- Inquired about Public Improvement Permits for Summerfield Farms Subdivision.
- Comments about Lease Management Agreement for Erie County Water Authority.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- Comments about Earth Day
- Commented about difficulty with FOIL requests in a certain department and requested removal of title of Records Access Officer for the department head.

Browne, Sean, 11 Traceway, spoke to the Town Board on the following matter:

- Expressed concerns regarding fence being constructed at 4 Trentwood Trail.

Masterson, Sean, 2 Trentwood Trail, spoke to the Town Board on the following matter:

- Expressed concerns regarding fence being constructed at 4 Trentwood Trail.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by David Snell/Carstar for a rezone from CMS with collision repair restrictions to CMS with collision restrictions removed on premises located at 6705 Transit Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Sean Hopkins, Attorney Representing Sears		Proponent
David Snell, petitioner		Proponent There will be no storage of damaged vehicles outdoors & no gas sales. Hazardous materials will be recycled. Metals to be hauled away once per month. EPA regulations will be followed.
Greg De Bartola, Attorney for CARSTAR		Proponent
Gloria Kubicki	15 Maple Drive	Questions
Henry Gull	710 Pavement Road	Comments
Jim Brett	659 Harris Hill Road	Questions

ON MOTION BY COUNCIL MEMBER STEMPNIAK, AND
SECONDED BY COUNCIL MEMBER MONTOUR, FOR ADJOURNMENT OF THE
PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:00 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

May 6, 2002

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed application for a Special Use Permit by SBA Properties, Inc. for construction of a 180' self-supporting tower and associated telecommunication building and equipment to be situated on property located at 69 Cemetery Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Jeffrey Szerzer, Attorney for SBA Properties, Inc (petitioner)		Proponent
Lauric Krackus, Attorney, Nixon, Peabody Law Firm		Comments Requests petitioner to consider co-locating on Crown Tower, one mile north.

ON MOTION BY COUNCIL MEMBER STEMPIAK, AND
SECONDED BY COUNCIL MEMBER ZARBO, FOR ADJOURNMENT OF THE PUBLIC
HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:11 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter
spread at length in these minutes, taking favorable action upon this matter.

May 6, 2002

PUBLIC HEARING SCHEDULED FOR 9:10 P.M.:

At 9:11 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for stop intersections at Stony Brook Drive and Westbury Lane.

The affidavits of publication of this Public Hearing are on file and a copy of the Public Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER ZARBO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:12 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

May 6, 2002

PUBLIC HEARING SCHEDULED FOR 9:20 P.M.:

At 9:22 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of William Dynas for a Special Use Permit for a Home Occupation (dental lab) on premises located at 296 Westwood Road.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
William Dynas	296 Westwood Road	Proponent Stated that the hours of operation will be 8-5 P.M. with only he & his wife as sole operators. No deliveries, as they pick up materials. Some propane or natural gas will be used. Garage will be converted to a lab.

ON MOTION BY COUNCIL MEMBER ZARBO, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, on roll, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:28 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

May 6, 2002

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Planning Board and the Town Board held April 15, 2002 and the Regular Meeting of the Town Board held on April 15, 2002 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: RMIN (P2)

ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase II(A), and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 552, 553 and 554 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 552
(Storm Sewer)

At Summerfield Farms, Phase II(A); construct 452 LF of 15" HDPE, 149 LF of 12" HDPE, 149± LF of 12" RCP, 4 storm manholes, 6 road receivers, 100± LF of 24" yard drainage, 922± LF 8" PVC and 332 LF of 6" PVC, 4 light duty receivers, 8 back yard receivers and 800± LF of drainage swales.

P.I.P. No. 553
(Water Line)

At Summerfield Farms, Phase II(A); Install 720 LF of 10" PVC, 50± LF of 10" D.I., 490 LF of 8" PVC, 2-10" line valves, 1-8" line valve and 3 hydrants.

P.I.P. No. 554
(Pavement & Curbs)

At Summerfield Farms, Phase II(A), construct 2,413± LF of 6" upright curb, 176± LF of island curb and 4,227± LF of pavement.

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPIAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Governor has proposed to remove certain offices overseeing Cultural Education from the New York State Education Department, incorporating these in an entirely new Institute for Cultural Education, and

WHEREAS, in order to fund this Institute, including the State Archives, State Library, State Museum and State Office for Public Broadcasting, New York State will need to raise millions of dollars in capital investment and plans to do this by quadrupling the present five (\$5) dollars collected by all County Clerks and the Register of the City of New York on all recorded, indexed and entered documents to twenty (\$20) dollars, effective July 1, 2002, and

WHEREAS, the Local Government Records Management Improvement Fund was created in 1989 to support grants and technical assistance to local governments to improve and enhance the management of their records and information, and

WHEREAS, said fee increase would provide no improvement in service for the taxpayers paying the fee, nor any additional benefits to the local governments that must collect said fee increase, and

WHEREAS, no demonstrated benefit has been identified in the relocation of these functions to the proposed Institute, in contrast to the highly effective and beneficial relationship that local governments now enjoy with the New York State Education Department.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster stands firmly opposed to this proposal, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be delivered to the Governor, the New York State Legislature, New York State Senator Dale Volker, Assembly Woman Sandra Lee Wirth and all others deemed necessary and proper, and we urge them to likewise oppose this proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 6, 2002

file: improvement fund

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town of Lancaster has previously applied for and received grant monies through the New York State Unified Court System to enhance the operation of Municipal Justice Courts.

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultant, be authorized and directed to again complete the necessary application and forms to be submitted to the New York State Unified Court System for the purpose of securing another Justice Court grant, and

BE IT FURTHER

RESOLVED, that the Supervisor and Town Court Justices be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: Rcourt grant

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning, Section 50-41.1 et seq entitled, "Communication Towers" of the Code of the Town of Lancaster, upon the application of SBA Properties, Inc., as contract lessee, for a Special Use Permit for construction of a 180' self-supporting tower and associated telecommunications building and equipment to be situated on property located on 69 Cemetery Road, Lancaster, New York, and

WHEREAS, a SEQR of this project was held May 6, 2002 and a Negative Declaration was issued at that time, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50 - Zoning - Section 50-41.1 et seq. of the Code of the Town of Lancaster, the Town Board of the said Town does hereby grant a Special Use Permit to SBA Properties, Inc., as contract lessee, 1173 Pittsford-Victor Road, Pittsford, New York for construction of a 180' self-supporting tower and associated telecommunication building and equipment to be situated on property located on 69 Cemetery Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and hereby waives the requirement of Chapter 50-Zoning, Section 50-41.6.E.(4)., upon the following condition: submission of a landscaping plan acceptable to General Crew Chief.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: rsbacommunications502

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION. SECONDED BY
COUNCIL MEMBER ZARBO, TO WIT:

WHEREAS, a Public Hearing was held on the 6th day of May, 2002 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster; and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on May 6, 2002;
2. That a Certified Copy thereof be published in the Lancaster Bee on May 9, 2002;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: rvinrdchpt46stonybrookdrivewestburylane502

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS;
YIELD INTERSECTIONS**
46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:

<u>SIGN</u> <u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>LOCATION</u>
STONY BROOK SUBDIVISION		
Stony Brook Drive	Westbury Lane	S.E. Corner

May 6, 2002

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 6th day of May, 2002, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 6th day of May, 2002.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of **WILLIAM DYNAS**, for a Special Use Permit for a Home Occupation (dental lab) on premises located at 296 Westwood Road, Lancaster, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

**NOW THEREFORE, BE IT
RESOLVED**, as follows:

1. That pursuant to Chapter 50-Zoning, Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **WILLIAM DYNAS**, for a Home Occupation (dental lab) on premises located at 296 Westwood Road, Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, and

2. That the applicant will continue in compliance with conditions as set forth in Chapter 50, Section F, of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation;
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure;
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation;
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot;
- e. There shall be no outdoor sign advertising this business;
- f. This Special Use Permit terminates when the applicant no longer resides on the premises.
- g. Petitioner shall inform the Fire Department of the location of hazardous materials stored in lab.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA . WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, Window Specialists, Inc., 188 Erie Street, Lancaster, New York 14086,
Contractor for replacement of doors at the Lancaster Public Library & Depew Branch Library, has
submitted Change Order No. 1 in the amount of \$1,060 to the Town Board for their approval, and,

WHEREAS, the Town Engineer, by letter dated April 25, 2002, has recommended
such change order,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change
Order No. 1 to Window Specialists, Inc according to the following description of changes to the
contract:

DESCRIPTION OF CHANGE ORDER:

1. Furnish, deliver & install 2"x6" framing in lieu of 2"x 4 1/4" framing and to adjust rough
opening to accept new frames at exterior doors (differing site conditions).
2. Provide insulated glass (not requested in original specification) at exterior doors.
3. Addition of two lock cylinders (not requested in original specification at interior
doors).

CHANGE ORDER NO. 1:

The original Contract sum was	\$31,000.00
Net change by previously authorized Change Orders00
The Contract Sum prior to this Change Order was	\$31,000.00
The Contract Sum will be increased by this Change Order in the amount of	1,060.00
The new Contract Sum increased including this Change Order will be	\$32,060.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this change
order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Section 4-104(5) of the Election Law of the State of New York provides for consolidation of election districts located within the same polling place in Primary Elections if the candidates of each district are the same on each voting machine and the consolidation results in less than 1200 voters in a consolidated polling place, and

WHEREAS, the Town Clerk has informed the Town Board that she wishes to take advantage of Section 4-104(5) of the Election Law to save taxpayers more than \$8,000 in inspector payroll costs and over \$1,000 in voting machine delivery costs, and

WHEREAS, the Town Clerk has assured the Town Board that no voter will be inconvenienced by the consolidation since only districts located within the same polling place will be consolidated.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby authorized to petition the Erie County Board of Elections for permission to consolidate election districts within the Town of Lancaster for the 2002 Fall Primary pursuant to the provision of Section 4-104(5) of the Election Law of the State of New York, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to take any further action necessary to effect the purpose and interest of this consolidation resolution

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File RCONSOL.DIS

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
IT'S ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Erie County Executive Joel Giambra supports and suggests that there is a need for an independent professional study to determine the feasibility of selling the Lancaster Middle School to the Town and Village of Lancaster, and

WHEREAS, the Lancaster School Board has recently approved participation in an independent professional study to determine the feasibility of the sale of the Lancaster Middle School, and

WHEREAS, the Town Board of the Town of Lancaster is also desirous of such a study to determine the feasibility of the acquisition of Lancaster Middle School.

NOW, THEREFORE, BE

IT RESOLVED, that the Town Board of the Town of Lancaster approves a more comprehensive study to be done by the County of Erie, at no cost to the Town, to evaluate the feasibility and/or cost savings in regards to the purchase of the Lancaster Middle School by the Town and Village of Lancaster, said building to be used as a municipal building for Town and Village offices.

The question of the adoption of the foregoing resolution was put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

file: middle school study

May 6, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, New York State Electric & Gas Corp., 150 Erie Street,
Lancaster, New York 14086, by letter dated April 18, 2002, has presented a cost proposal for
the installation of one (1) HPS luminary and one (1) wood pole at the Town Center at 525
Pavement Road to insure safety and security to Town owned equipment and employees.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts
the proposal of New York State Electric & Gas Corp. for installation of the following:

1 - 250 watt high pressure sodium luminary @ \$193.09 ea. = \$193.09

1 - wood pole @ \$136.00 ea = \$136.00

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the
above mentioned installation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: rstreet lighting proposal

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Trentwood Trail Subdivision, Phase III, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 555 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 555
(Street Lights)

All wire conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of five (5) street lights at Trentwood Trail Subdivision, Phase III

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
RUFFINO, TO WIT:

WHEREAS, Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York 14224, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Summerfield Farms Subdivision, Phase II, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 556 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 556
(Street Lights)

All wire conduits, poles, lamps, lampholders, photocells, and other appurtenances required in the installation of eleven (11) street lights at Summerfield Farms Subdivision Phase II

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the General Crew Chief, by letter dated May 1, 2002, has requested the appointment of seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the spring/summer season of 2002,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to the position of seasonal employees for the spring/summer season of 2002 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rates:

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Jon Paul Anthony (new hire) 30 Hemlock Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Jeffrey Au (new hire) 3 Country Place, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Jodie Buchre (new hire) 5755 Genesee Street, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Alicia Ceppaglia (new hire) 65 Holland Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Angela Ceppaglia (new hire) 65 Holland Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Michael Gruber (new hire) 4 Fox Hunt Road, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Christopher Janis (rehire) 885 Erie Street, Lancaster	Recreation Attendant (Playground Attendant)	\$6.65 hr.
Raymond Karney (rehire) 4805 Transit Road, #2105, Depew	Recreation Supervisor	\$9.00 hr.
Joseph Kuenzi (rehire) 36 Newell Avenue, Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Lori Maciejewski (rehire) 2071 Como Park Blvd, Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Timothy Muehl (rehire) 182 Olmstead Avenue, Depew	Recreation Supervisor	\$8.25 hr.
Stacy O'Neill (rehire) 13 Highland Place, Lancaster	Recreation Attendant (Playground Attendant)	\$6.65 hr.
Tessa Paolini (new hire) 28 Shadyside Lane, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Amanda Schwach (rehire) 67 Gale Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Amy Skubis (rehire) 233 Seneca Place, Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Angela Skubis (rehire) 233 Seneca Place, Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Michelle Sypniewski (rehire) 12 Maple Drive, Bowmansville	Recreation Attendant (Playground Attendant)	\$7.00 hr.
Colleen Szablewski (rehire) 360 Columbia Avenue, Depew	Recreation Supervisor	\$11.00 hr.
Amy Thorne (new hire) 68 Harvey Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Cassandra Vanecek (rehire) 2117 Como Park Blvd., Lancaster	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Jacqueline Vogel (new hire) 104 Albert Drive, Lancaster	Recreation Attendant (Playground Attendant)	\$6.00 hr.
Beverly Wedmore (rehire) 2 Via Tripodi, Depew	Recreation Attendant (Playground Attendant)	\$6.15 hr.
Richard Wojciechowski (rehire) 95 S. Irwinwood Road, Lancaster	Recreation Supervisor	\$12.00 hr.
Melissa Young (rehire) 8 Wilma Drive, Lancaster	Recreation Supervisor	\$8.25 hr.
Daniel Bartel (rehire) 13 Wendtworth Court, Lancaster	Laborer	\$6.40 hr.
Kirk Durkin (new hire) 44 Center Drive, Depew	Laborer	\$6.00 hr.
Donald Hibbs (rehire) 75 S. Irwinwood Road, Lancaster	Laborer	\$8.25 hr.
Branden Murray (new hire) 23 Plumb Creek Trail, Lancaster	Laborer	\$6.00 hr.
Joseph Necci (rehire) 78 Brunck Road, Lancaster	Laborer (Supervisor)	\$8.50 hr.
Scott Payne (new hire) 64 Westwood Road, Lancaster	Laborer	\$6.00 hr.
Eric Przykuta (rehire) 60 Court Street, Lancaster	Laborer (Supervisor)	\$10.00 hr.
Nicholas Schreiber (new hire) 69 Pheasant Run Lane, Lancaster	Laborer	\$6.00 hr.
Brian Stanek (rehire) 427 Lake Avenue, Lancaster	Laborer	\$6.40 hr.
Francis Stock (rehire) 25 Sherborne Avenue, Lancaster	Laborer	\$6.40 hr.

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Shawn Zaffram (rehire) 28 Tanglewood Drive, Lancaster	Laborer	\$7.25 hr
George Besch (rehire) 39 Lake Avenue, Lancaster	Recreation Supervisor (Tennis Supervisor)	\$12.50 hr.
Nicole Carroll (rehire) 56 Irondale Drive, Depew	Recreation Attendant (Tennis Instructor)	\$6.40 hr.
Ryan Carroll (rehire) 56 Irondale Drive, Depew	Recreation Attendant (Tennis Instructor)	\$6.15 hr.
Michael Colvin (new hire) 16 Croydon Drive, Depew	Recreation Attendant (Tennis Instructor)	\$6.00 hr.
Amy Ferrentino (rehire) 10 Tanglewood Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.65 hr.
Aaron Hejmowski (rehire) 17 Briarwood Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.90 hr.
Kyle Hejmowski (rehire) 17 Briarwood Drive, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.65 hr.
Jonathan Koziol (rehire) 92 Wilkshire Place, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.15 hr.
Melissa LaFratta (new hire) 8 Idlebrook Court, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.00 hr.
Cori Newhouse (rehire) 4 Deerpath Drive, Lancaster	Recreation Supervisor (Tennis Instructor)	\$8.50 hr.
Carol Schmitz (new hire) 9 Richmond Avenue, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.00 hr.
Allison Waliger (new hire) 15 Idlebrook Court, Lancaster	Recreation Attendant (Tennis Instructor)	\$6.00 hr.
Sheri Cummings (rehire) 44 Cowing Street, Depew	Lifeguard	\$8.25 hr.
J. Ryan Fecher (rehire) 78 Impala Pkwy, Lancaster	Lifeguard	\$8.00 hr.
Autumn Ferry (rehire) 125 Nichter Road, Lancaster	Lifeguard	\$8.00 hr.
Jeffrey Gall (rehire) 36 St. Mary's Street, Lancaster	Lifeguard (Substitute)	\$7.25 hr.
Jennifer Gall (new hire) 36 St. Mary's Street, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Megan Gelbein (new hire) 14 Linden Avenue, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Jonathan Karcher (new hire) 4 Squirrel Run, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Renee LaChiusa (rehire) 19 Tanglewood Drive, Lancaster	Lifeguard	\$6.75 hr.

<u>NAME</u>	<u>POSITION</u>	<u>RATE</u>
Jeremy Lynch (new hire) 44 Wilma Drive, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Jenna McDonald (rehire) 58 Rehm Road, Lancaster	Lifeguard	\$6.75 hr.
Sarah Meegan (rehire) 7 Pond View Court, Lancaster	Lifeguard	\$6.75 hr.
Ann Phillips (new hire) 255 Westwood Road, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Jeannine Runkel (new hire) 59 Running Brook Drive, Lancaster	Lifeguard (Substitute)	\$6.50 hr.
Janac Shives (rehire) 6 Biscayne Drive, Lancaster	Lifeguard	\$6.75 hr.
Sarah Thomas (rehire) 38 Greenbriar Drive, Lancaster	Lifeguard	\$7.25 hr.
Evelyn Vento (rehire) 127 Fourth Avenue, Lancaster	Lifeguard (Substitute)	\$8.00 hr.
David Mazur (new hire) 188 Murrano Drive, Depew	Recreation Supervisor (League Scheduling)	\$9.00 hr.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: Rpers.seasonal (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Erie County Water Authority (Authority) has negotiated with the Town of Lancaster (Town) in regard to the design and construction of a pump station and related facilities to be constructed on a site provided by the Town situated south of William Street and east of Penora Street, and

WHEREAS, the Town and the Authority entered into a Lease Management Agreement which runs from February 14, 1997 through December 31, 2006, subject to further renewals, and

WHEREAS, the Town Board has previously approved the Supervisor executing a proposed Agreement on behalf of the Town which is an Amendment to the beforementioned Lease Management Agreement, and

WHEREAS, the parties desire to amend the proposed Agreement regarding this facility to recite the ownership during the period covered by the Town's bond obligation, and the tax measure employed by the Town to pay the bonds issued by the Town, and

WHEREAS, the Town Board has given due review and consideration to the amended Agreement.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute Amendment No. 1 to the Lease Management Agreement with the Erie County Water Authority as is attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, TIM HORTONS, 4455 Transit Road, Ste. 2B, Williamsville, New York, has submitted a Site Plan prepared by Wm. Schutt & Associates, P.C., dated February 26, 2002 and received February 28, 2002 as revised dated April 19, 2002 and received April 24, 2002 for the construction of a 1,600 sq. ft. coffee and baked goods restaurant located on property at 3600 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting May 1, 2002, has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held April 15, 2002 and a negative declaration was issued at that time.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **TIM HORTONS**, prepared by Wm. Schutt & Associates, P.C., dated February 26, 2002 and received February 28, 2002 as revised dated April 19, 2002 and received April 24, 2002 for the construction of a 1,600 sq. ft. coffee and baked goods restaurant located on property at 3600 Walden Avenue in the Town of Lancaster conditioned upon 1) the General Crew Chief's receipt and acceptance of a sufficient landscaping plan, and 2) the exterior lighting to be lowered to a height not to exceed 15 feet and shielded from the neighboring residents.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: rsptimhortons502

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, DARYL MARTIN ARCHITECT, 3625 Eggert Road, Orchard
Park, New York, has submitted a Site Plan prepared by Daryl K. Martin, Architect, dated April
3, 2002 and received April 3, 2002 to convert an existing roof garden into ten guest rooms
located on property at the Garden Place Hotel, 6461 Transit Road in the Town of Lancaster, and
6615 *md*

WHEREAS, the Planning Board has reviewed the plan, and at its meeting April
17, 2002, has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held May 6, 2002 and a
negative declaration was issued at that time.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves
the Site Plan submitted by DARYL MARTIN ARCHITECT, prepared by Daryl K. Martin,
Architect, dated April 3, 2002 and received April 3, 2002 to convert an existing roof garden into
ten guest rooms located on property at The Garden Place Hotel, 6461 Transit Road in the Town
of Lancaster. 6615 *md*

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, MARK W. TIEDEMANN, MWT ARCHITECT, 6390 Main Street, Suite 120, Williamsville, New York, has submitted a Site Plan prepared by MWT Architects, dated March 29, 2002 and received April 2, 2002 to construct a 6,000 sq. ft. metal building addition on the north, a 4,021 sq. ft. masonry building addition on the east and a 250 sq. ft. masonry building addition on the southeast on property occupied by Electrosynthesis located at 72 Ward Road, in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan, and at its meeting April 17, 2002, has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held May 6, 2002 and a negative declaration was issued at that time.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by **MARK W. TIEDEMANN, MWT ARCHITECT**, prepared by MWT Architects, dated March 29, 2002 and received April 2, 2002 to construct a 6,000 sq. ft. metal building addition on the north, a 4,021 sq. ft. masonry building addition on the east and a 250 sq. ft. masonry building addition on the southeast on property occupied by Electrosynthesis located at 72 Ward Road, in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: rselektrosynthesis502

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster and the Villages of Depew and Lancaster jointly applied for and received funding from the Community Development Block Grant Funding Program for Program Year 2000-2001 in the amount of \$66,690 for the purchase and installation of electronic, automatic doors at the Depew Branch Library, located at 321 Columbia Avenue in the Village of Depew, and the Lancaster Public Library located at 5466 Broadway in the Village of Lancaster, both facilities in the Town of Lancaster, and

WHEREAS, the project cost for the purchase and installation of these doors was below the estimated grant request, it is the recommendation of Town Engineer Robert Labenski to refund the balance of unexpended funding to the Community Development Consortium.

NOW, THEREFORE, BE IT

RESOLVED, that the Lancaster Town Board of the Town of Lancaster hereby authorizes the return of unexpended Federal Community Development funds in the amount of \$34,630 to the Community Development Consortium, due to the fact that the above-described project has been completed and Job No. C617-00-73 ADA Improvements to the public libraries will be closed out.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

file: runexpended funds

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Bella Vista Group, Inc. and NEC Transit William, LLC (the "Developer") with offices at 6495 Transit Road, Bowmansville, New York has submitted a proposed site plan to the Town of Lancaster (the "Town") for the construction of a proposed retail center totaling up to 300,000 square feet and other improvements (the "Site Plan"), on property located on the northeast corner of Transit Road and William Street in the Town of Lancaster, County of Erie and State of New York which hereinafter shall be referred to as the "Property"; and

WHEREAS, at its meeting May 1, 2002 the Town's Planning Board reviewed this Site Plan, and recommended approval of such Site Plan with conditions to be met by the Developer; and

WHEREAS, the Town's Municipal Review Committee and the Town Board reviewed the Site Plan as part of its review pursuant to the State Environmental Quality Review Act, and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617, et seq. (collectively referred to as "SEQRA"); and

WHEREAS, on April 8, 2002 the Town's Municipal Review Committee recommended and the Town Board adopted certain findings statement pursuant to SEQRA with respect to the Site Plan and the rezoning of the Property to General Business District ("GB"), and which SEQRA findings statement is attached hereto and incorporated herein by reference; and

WHEREAS, the Town has referred the Site Plan to the Erie County Department of Environment and Planning ("ECDEP") in accordance with the General Municipal Law; and

WHEREAS, the Town Board has given due consideration to the Planning Board's recommendation and all other comments with respect to the Site Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by NEC Transit/William, LLC, and prepared by the Bella Vista Group, for the construction of a retail center totaling up to 300,000 sq. ft. on property located on the northeast corner of Transit Road and William Street in the Town of Lancaster, subject to the following conditions which are imposed not only on the developer but also the owner of record or tenants, as follows:

- Developer shall install sidewalks on William Street from Transit Road to the east property line;
- Developer shall dedicate a conservation easement to the Town of Lancaster over the easterly 75 feet of the premises running from William Street to the north property lines of the premises which shall recite that there shall be no disturbance of the natural setting permitted except as determined to be necessary by the Town of Lancaster to assure the integrity of the conservation area and its purpose to provide a buffer to the residential housing located easterly of the premises.
- Developer shall cause the construction of an 8 ft. high board on board fence in two (2) areas at the back of the buildings as shown on the site plan and further place additional board on board fence in 25' lengths at 50' intervals which shall be regularly maintained and painted as directed by the Town. Douglas Fir or Austrian pine trees shall be posted at each end of each section of fence.
- Developer shall paint the rear wall of the building in earhtone colors as approved by the Town Board; the wall shall not be concrete block colored or white.
- Developer shall locate all garbage dumpsters on the south side of the building near the loading docks;
- Developer shall cause screening of the HVAC units which shall be located on the roof of any building as far to the west or front face of the building roof as practical to reduce noise emanating from these units; and
- Developer shall not be permitted to extend the paper street Transit Boulevard from Transit Road as a public or private roadway and, further, shall not be permitted to connect any paved parking area on site to an existing dedicated Transit Boulevard to the east or to any private road, extension of Transit Boulevard, or any portion of the paper street identified as Transit Boulevard running easterly from the project site.
- Developer shall not be permitted to cause installation of loading docks along the easterly or rear wall of the building.
- Developer shall install outdoor lighting in conformance with the Town Code of the Town of Lancaster with lights between buildings and to the east of the building not to exceed 15' but in areas to the front of the building which are not immediately adjacent to residential zoning lights shall not exceed 20';
- Developer shall landscape the site in general conformance with the site plan with free standing trees to be planted at 20' intervals, and further, a green strip 3' wide must be provided along the rear wall of the building with a planting of arborvitae at 10' intervals to break up the rear wall with additional plantings of Austrian Pine and Douglas Fir to be made along the rear to the west of the 75' buffer area at 12' intervals in a staggered fashion;
- Developer and owner shall grade, vegetate and maintain any area of the site that is stripped and not developed;
- Developer shall not permit left turn at the north auxiliary road entrance onto Transit Road and will sign the entrance accordingly;
- Developer to construct turning lanes on William Street at the access road to William Street to wit: an easterly left turn lane and a westerly right turn lane resulting in a four lane road at the access road at William Street;
- No deliveries to be permitted to the two (2) major commercial buildings situate on the easterly half of the property between the hours of 11:00 PM and 7:00 AM, Local Time;
- No outside public address speakers will be allowed in the easterly 300 ft. of the property and no outside speakers anywhere on site shall face easterly.

- Developer, owner or tenant to be responsible for replacement of any planting per this site plan which is damaged or dies with replacement to be made in the fall or spring growing season.

The question of the adoption of the following resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 6, 2002

**STATE ENVIRONMENTAL QUALITY REVIEW
FINDINGS STATEMENT**

Pursuant to Article 8 (State Environmental Review Act- SEQR) of the Environmental Conservation Law and 6. NYCRR Part 617, the Town Board of the Town of Lancaster, as Lead Agency, makes the following findings:

Name of Action: Gateway Center
Rezoning and retail development

Description of Action: Rezoning of 36.19± acres of land to General Business and subsequent development of a retail center. Rezoning includes 15± acres from Commercial Motor Services to General Business; and 21± acres from Residential District One to GB.

Location: Northeast Corner of Transit Road and William Street
Town of Lancaster, Erie County, New York

Agency Jurisdiction: *Approval for rezoning* of the northeast corner of Transit Road and William Street is required by the Town of Lancaster, pursuant to the permitted use provisions of the Town of Lancaster Zoning Manual. Retail development at this site is contingent upon receiving this approval. *Site plan approval* will be required by the Town of Lancaster pursuant to Article VIII, Section 50-43 of the Zoning Manual of the Town of Lancaster.

Date Final EIS Filed: March 1, 2002

Facts and Conclusions in the EIS relied upon to support the decision:

PART 1: INTRODUCTION

A Petition was filed by NEC Transit-William LLC, on or about March 15, 1999, requesting the

Town Board of the Town of Lancaster to amend the Zoning Ordinance of the Town of Lancaster to rezone approximately 36 acres of property located at the northeast corner of Transit Road and William Street in the Town of Lancaster, Erie County and State of New York, and which land is shown on a sketch and described in Schedule A of the Town of Lancaster Town Board Resolution dated December 20, 1999.

The Petition requested rezoning of the westerly (approximately) 15 acres of the Property currently zoned as Commercial and Motor Services (CMS); and the easterly (approximately) 21.37 acres of the Property zoned as Residential District One (R1) to General Business (GB) to permit the construction of a regional shopping center to be known as the Gateway Center in Lancaster, New York.

The Town's Municipal Review Committee, after its initial review of the full environmental assessment form (EAF), as submitted in connection with the application, issued a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and the regulations issued by the New York State Department of Environmental Conservation (NYSDEC) applicable thereto at 6NYCRR Part 617.

Thereafter, the Town's Municipal Review Committee upon further consideration of the potential environmental impacts of the project, in accordance with SEQRA determined to re-open the SEQRA proceedings with respect to the project and determined to substitute therefor a positive declaration in accordance with the provisions of the SEQRA, at its meeting held on July 19, 1999.

The Town Board of the Town of Lancaster was designated Lead Agency under SEQRA and collectively with the Town's Municipal Review Committee, NEC Transit-William LLC, and other involved and interested parties, undertook scoping sessions for the project. Thereafter, a Draft Environmental Impact Statement (DEIS), dated November 8, 1999, was prepared for the Town Board for the rezoning application by the NEC Transit-William LLC.

The Town's Municipal Review Committee accepted the DEIS as complete and in accordance with SEQRA on November 15, 1999. A public hearing was scheduled for December 8, 1999 in the Lancaster Senior Senior Citizens Center located at 100 Oxford Avenue, Lancaster, New York, which afforded the public an opportunity to be heard with respect to the project.

Early discussions were held regarding the buffering of the property to the west of the project site during several Town meetings. The suggestion to exclude the buffer strip between the properties was adopted and resulted in the reduction of the area proposed for rezoning to

33.63 acres. The Town held that excluding this area from the rezoning would provide an extra measure of protection to the Northwoods residents from encroachments potentially incompatible with the residential setting of the neighborhood.

The DEIS and all written comments received during the public comment period including the public hearing were reviewed by the Town Board and Town's Municipal Review Committee and was determined that the project would not have a significant impact on the environment.

On December 20, 1999, the Town Board adopted a resolution issuing a Negative Declaration and amended its Zoning Ordinance to rezone 33.63 acres of the approximately 36 acres to GB. The resolution was challenged in the Supreme Court, State of New York, and the Town Board's determination was upheld. This decision was then appealed to the Appellate Division, Fourth Judicial Department, by opponents to the project seeking to reverse this decision. The Appellate Division, Fourth Department reversed the lower court decision and the Town Board was required to take the SEQR process to a Final Environmental Impact Statement (FEIS).

The Town Board complied with the Court decision and issued a SEQR Positive Declaration with a Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement (SDEIS). The SDEIS was prepared by the Applicant, for the Town, on the basis of change in circumstances afforded by the Appellate Court decision. The SDEIS was submitted to the Town Board and Town's Municipal Review Committee on November 7, 2001. The Town's Environmental Consultant reviewed the SDEIS for technical content. Following the Town Board's and Town's Municipal Review Committee's review of the SDEIS, a Notice of Completion was issued on December 03, 2001.

A new public comment period was opened commencing on December 4, 2001 and closing on January 4, 2002, which included a public hearing. The public hearing was held on December 18, 2001 at the Lancaster Senior Citizen's Center at 100 Oxford Road, Lancaster, New York.

Incorporating the written responses to all substantive written and oral comments received during the public comment period, an FEIS was subsequently prepared by the Applicant for consideration and review by the Consultant and the Town Board. Following this careful review and analysis, the FEIS was adopted by the Town Board on March 4, 2002 and circulated to the involved agencies and the public. An extended period of approximately 34 days for public review period was established from this date.

The Town Board has carefully and thoroughly reviewed the information contained in the FEIS, Appendices A and B, the SDEIS and its Appendices A to F, and the original DEIS; and found it to be an adequate examination of all important potential impacts which would result from affirmative action on the subject rezoning application.

Since receipt of the FEIS, the Town Board has received additional comments. The Town Board has carefully considered these additional comments and has determined that the issues raised by such comments were adequately addressed in the EIS.

The Town Board recognizes that qualified experts on any topic may differ in their conclusions and in particular may differ in the judgments employed during analysis. The Town Board acknowledges that the review of this rezoning proposal and the debate over various issues that have been submitted by government agencies, other experts and general public that reflect hundreds of hours of examination of the project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this project as a basis for considering the requested rezoning of the Site.

Recognizing that SEQR was developed to foster a careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequence has the most meaning. This review is conducted prior to any agency decision regarding permits or approvals and when the project is still in its formative stage. This early environmental analysis is appropriate in this case where a rezoning of land is also required prior to project development. The filing of conceptual plans for a major project is common and affords important opportunities to obtain information and help shape the ultimate project that will be presented for more detailed review by the Town Planning Board at its site plan review stage. The environmental review of this rezoning action has afforded the Town Board and other involved agencies a clear understanding of the potential environmental impacts that might arise from the actual construction and operation of the Gateway Center. To the extent possible, the Applicant presented detailed information regarding certain impacts, most notably traffic, wetlands, and noise, which can be reasonably anticipated and analyzed at an early stage of the process. Analysis of other impacts, such as the stormwater run-off, drainage, visual and aesthetic impacts, could only be performed in a conceptual manner and must await the preparation of a detailed site plan. The review of the site plan will advance to its final stage with the Town following completion of the SEQR process. During the final review of the site plan the Town will

assess the consistency of the final plans with the details that were considered during the SEQR process and move to a decision on the approval of the site plan after this consideration. The environmental review process has provided the Town Board with a clear understanding of the nature and potential impacts associated with the development of Gateway Center following the re-zoning of the property. The US Army Corps of Engineers (USACOE) has exclusive jurisdiction over the investigation and appropriate compensation for the loss of wetlands, which are within the boundaries of the Site. The Applicant has been working cooperatively with the USACOE for over three years to evaluate the functions and values, and adequate mitigation of these wetlands, after having considered alternatives to avoid or minimize impacts to them. The Applicant will continue to work closely with the USACOE to ensure that all appropriate steps are taken to ensure "no net loss" of wetlands in the area occur as a result of this project in accordance with their directive. New York State Department of Transportation (NYSDOT) and Erie County Department of Public Works (ECDPW) Highway Division have jurisdiction over roadway changes to the Transit Road and William Street respectively. The decision to re-zone the property will be followed by the issuance of Highway Work Permits from NYSDOT and ECDPW to improve traffic conditions near the Site location. The Applicant has been in close communication with NYSDOT and ECDPW since 1999 to finalize a traffic mitigation plan.

PART II: THE SITE

The members of the Town Board are familiar with the Site, the area surrounding the Site and the retail opportunities in the Town of Lancaster and Erie County.

The proposed action seeks to rezone 13 contiguous parcels, constituting approximately 33.63 acres of land on which the Gateway Center will be constructed. The land is largely undeveloped at this time. The rezone excludes a 2.56 acre strip of upland forested land along the eastern boundary of the Site, which will be preserved as buffer area under a conservation easement.

The Applicant owns and/or controls the approximately 36.19 acres of property. Property to the north of the Project Site, to be preserved as mitigation area includes 3 paper streets owned by the Town. The Town has agreed to allow the inclusion of these non-standard right-of-ways in the preservation plan for long-term green space development within the Town precluding the potential for any future development on them. The Town property is not

part of mitigation.

The Project Site is bounded by Transit Road (State Route 78) to the west, William Street (Eric County route 338) to the south, Northwoods Residential Subdivision to the east and undeveloped wooded area to the north.

The eastern boundary of the Property is buffered from the residential subdivision by a 105-foot wide strip of natural property, including the 60-ft wide (2.56 acre) upland forested area excluded from the re-zoning to preclude commercial encroachments.

The Site contains 7.54 acres of federally regulated wetlands.

PART III: PROPOSED DEVELOPMENT

Applicant plans to construct the Gateway Center Retail Plaza composed of National anchor stores and smaller consumer oriented stores and services, with associated parking. The Applicant is required to obtain Town Board site plan approval prior to constructing the Gateway Center. Site plan approval will allow the Town to further control the development of the Site to assure that the scope of development is consistent with that analyzed in the SEQR process. The Town site plan approval considers, among other issues: ground coverage, setbacks, green spaces, parking spaces, ingress and egress to state highway, sewer, water, drainage, lighting, signage, screening and landscaping.

The Town Board of Lancaster, as lead agency, reviewed a conceptual site plan for the Gateway Center set forth in the SDEIS and FEIS. The detailed site plan to be prepared will take into account the comments of the involved agencies, in particular, the NYSDOT and ECDPW regarding roadway improvements, Erie County Department of Environment and Planning (ECDEP) regarding construction of sanitary sewers, NYSDEC regarding a Stormwater Pollution Prevention Plan, and Erie County Water Authority (ECWA) for water supply connections.

As demonstrated by the EIS, the proposed ± 36.19 acre development would convert approximately 33.63 acres (building, parking, driveways, and landscape areas), while providing adequate parking and setbacks, stormwater retention facilities to mitigate any increase in stormwater runoff, leaving 2.56 acres of untouched green buffer at the eastern boundary.

Subsequent to the rezoning of the Site to GB, detailed site plans must be finalized and submitted to the Town for review and approval, including a landscaping plan and storm sewer plan.

Other agencies which must approve various aspects of the proposed development include the Erie

PART IV: TRAFFIC AND ROADWAY IMPROVEMENTS

The principal roadways to be affected by the construction and operation of the Gateway Center are New York State Route 78 (Transit Road), which falls under the jurisdiction of the NYSDOT; and Erie County Route 338 (William Street) which falls under the jurisdiction of the ECDPW Highway Division.

Applicant has agreed to make the following roadway improvements which will maintain or improve existing Levels of Service at the intersection of Transit Road, William Street and Losson Road:

Add exclusive right-turn lanes on Transit Road on both northbound and southbound approaches to Losson Road/ William Street intersection

Provide one westbound through-lane on William Street from a point just east of the existing Flix Theater driveway to Transit Road.

Restripe the existing pavement to provide a dual left turn lane on the westbound William Street approach to Transit Road.

Modify the traffic signal at the intersection to include control for the new lane configuration.

Applicant will maintain the number and placement of driveways at the Gateway Center as described:

One primary and one ancillary driveway to Transit Road.

One driveway to William Street.

The primary driveway onto Transit Road will be aligned opposite the signalized Wegman's driveway. The driveway will consist of one inbound lane, two outbound lanes and a raised median.

A right turn lane will be added to the northbound Transit Road approach to the primary driveway.

The existing traffic signal will be modified to provide signal faces for outbound traffic from the primary driveway onto Transit Road.

The ancillary driveway will run north of Martino's restaurant from the Gateway Center onto Transit Road.

The ancillary driveway will have one inbound lane and two outbound lanes. A stop sign

will be posted for outbound traffic from this driveway. The Town of Lancaster recommends a right turn only.

The single driveway onto William Street will consist of one inbound lane and two outbound lanes.

Add designated left turn lane for eastbound William Street traffic turning into the driveway.

These extensive roadway improvements and access management controls will substantially mitigate the effects of increased traffic resulting from the construction and operation of Gateway Center.

Applicant will bear the cost for design and construction of roadway improvements. Applicant will be required to Bond the improvements to satisfy Erie County and the NYSDOT requirements.

Once the off-site improvements have been constructed by the Applicant and accepted by the appropriate governmental agencies, maintenance will be performed by those agencies with jurisdiction.

Increase in traffic due to operations at Gateway Center is inevitable. The mitigation proposed by the Applicant alleviates to the best extent possible, the negative impacts of this increase. A minor reduction in the level of service is unavoidable at the Transit Road/Wegmans driveway/Gateway Center primary driveway, and eastbound left turn on Transit Road. William Street intersection.

The Town of Lancaster has formalized the Comprehensive Plan dated 1999, by Peter J. Smith & Company and The Saratoga Associates, which recognizes Transit Road as a regional corridor for commerce. The roadway improvements to Transit Road, resulting from this Project, are in keeping with the commercial objective envisioned for the region in the plan.

The Town has also examined the *Transit Road/French Road Corridor Study* undertaken by the Town of Cheektowaga, wherein, Transit Road has been designated to play an important role in the future transportation and land use planning of the region. The Town of Lancaster agrees that zoning compliance of properties along this New York State Highway requires design creativity and flexibility, bearing in mind the environmental sensitivity along the corridor.

PART V: WETLAND IMPACTS AND MITIGATION

Based on a jurisdictional determination by the USACOE, 7.54 acres of Federal wetlands are located on the Site. Of this total, 7.40 acres will be impacted by the Project. The remaining

0.14 acres will be preserved in the 60-foot wide natural buffer strip that will remain undisturbed along the eastern boundary of the Site.

Prior to any disturbance of the site wetlands, all necessary permits will be obtained from the USACOE and the NYSDEC.

To compensate for wetlands to be impacted by the Project, the Applicant has proposed a wetland mitigation plan of which USACOE is in general agreement. The plan includes approximately 7.14 acres of wetland creation and 10.15 acres of wetland and upland buffer preservation at the two sites in the Cayuga Creek watershed, one immediately north of the Site, the other at the northwest corner of Broadway and Steinfeldt Road. In addition, the Applicant has an agreement with Ducks Unlimited, Inc. to restore and enhance 12 acres of emergent marsh in the Tonawanda State Wildlife Management Area in Genesee County.

As outlined in the wetland mitigation plan, the northern mitigation area will be preserved through a conservation easement or other long-term restriction mechanism. The Town property is not part of mitigation.

The northern mitigation area located to the north of the Site includes two paper streets but the Town will make them available to the Applicant to include for preservation of green space.

The Town is aware that the northern mitigation area and the eastern strip of natural buffer were once part of a large wooded tract that extended eastward and northward from the Site including land which is now occupied by Northwoods Residential Subdivision. Although large amount of this habitat has been destroyed as a result of development, a fairly expansive wooded habitat remains. The wooded area has provided habitat to whitetail deer and wild turkey and an occasional habitat to red or gray fox. It has also been a transient habitat for raccoon, opossum, eastern striped skunk, eastern cottontail, gray squirrel, meadow vole, moles, shrews and bats. Several bird species have also been resident or transient in these woods. The Site lacks permanent water bodies, therefore limiting the reptilian population to Garter Snake and American Toad. Ponding in wetland areas at the Site typically does not last long enough to support breeding of toads in spring. Therefore most reptilian, bird and mammalian species in the area do not occupy this habitat indefinitely.

PART VI: NOISE IMPACT AND MITIGATION

Ambient noise level at the project Site was measured by the Applicant's consultant and sensitive receptor points were identified in the SDEIS. The sensitive receptors, most likely to be affected by the noise from the Gateway Center are the residents of the Northwoods

Subdivision immediately east of the Site. The distance between the townhouses and the retail buildings on the eastern side of the Project is about 200 feet: 42 feet between the townhouses and the Property boundary, and 155 feet between the boundary and the rear of the buildings.

The construction phase of Gateway Center will have some unavoidable noise impact on the residential subdivision. Some level of noise disturbance is anticipated during any construction project. The SDEIS analyzed the noise impact in detail. Applicant will follow "best management practices" in mitigating construction noise at the site. Applicant will also:

Restrict construction activity to daytime hours.

Complete ground excavation and site preparation for Phase I and Phase II of construction at the same time, even though Phase II buildings may be constructed at a later time.

Potential sources of noise during operation of Gateway Center have been comprehensively evaluated in the SDEIS and FEIS. Noise from the retail plaza is expected to emanate chiefly from HVAC equipment, traffic movement of trucks, and snow-clearing equipment.

A study in the parking lot of a similar retail development on Transit Road, at a busy time of the year emulated potential noise levels from the proposed Gateway Center parking area. The study indicated that the noise from Gateway Center, received at the Northwoods Subdivision, would be lower than that observed at the analogous development. Parking lot noise will be shielded effectively by the designed layout of the buildings. Noise contribution from the parking lot will therefore be insignificant.

The Applicant has demonstrated scientifically and logically that with the correct design and configuration of the Project, maximum noise from the Site can be mitigated to fall within acceptable daytime and nighttime levels. The Applicant must ensure:

Trucks will be routed to the stores from Transit Road. Trucks will not enter from William Street driveway.

There will be no routine large truck traffic behind the large anchor buildings.

Each store will have limited loading dock-space, which will limit the amount of trucks that can be at the location at any one time.

Deliveries will be coordinated to reduce daily movement of trucks.

Roof-top HVAC will be placed as distant as practicable from the abutting residential properties to decrease the effect on sensitive receptors and be shielded for noise abatement.

Rooflop HVAC for all stores will be procured as per specifications that guarantees noise emission of less than 46 dBA.

There will be no prominent tonal components due to HVAC units.

Noise due to snowplowing in the parking lot will be shielded by the two large buildings. In the rear access road, snow-plowing trucks should either use low-volume, back-up alarms during early daytime hours, or strobe lights in lieu of back-up alarm.

Town of Lancaster experiences varying amounts of snowfall each year. Some inconvenience due to removal of snow is commonly presumed.

Technical investigation by the Applicant's consultant has demonstrated that increase in noise, due to increased traffic on William Street and Transit Road, will not be significant. In a worst-case scenario where the development of Gateway Center could cause doubling of traffic, an increase of 3 dBA would occur under laboratory conditions. Conservatively, even if an increase in traffic by 50 percent is considered, there would be a logarithmic increase of 1.8 dBA. This increase will be insignificant when added to the existing noise level, which will remain within Noise Level Standards. Therefore, the Town does not find additional noise mitigation measures necessary.

PART VII: DRAINAGE

The Applicant will provide a stormwater management system, which is designed to attenuate peak rates of stormwater flow from the Site equal to that of a 100-year post-development storm to flow no greater than 10-year pre-development storm event.

NYS DOT has indicated to the Applicant that pre-development peak discharge rate should be no greater than 36 c.f.s. Applicant must comply with this prescribed threshold.

The Applicant will follow best management practice for stormwater pollution prevention.

The Applicant will finalize design and follow a Stormwater Pollution Prevention Plan, which will be utilized to allow the use of the State Pollution Discharge Elimination System (SPDES) permit from the NYSDEC. The Applicant must file a Notice of Intent, Termination and Transfer and demonstrate conformance of the Stormwater Pollution Prevention Plan with the SPDES General Permit guidelines.

The detailed storm drainage system for the Site must be included in site plans for review by the Town Engineer, Town Planning Board and Town Board.

The Town is aware that approximately 40 percent of the Site has somewhat poorly drained soil.

The soil is deep, has low permeability and slow run-off and the available water capacity is

moderate to high, thus limiting the use of the Site for urban development. However, with the use of drains around foundations, the seasonal high water table will be considerably reduced, and grading will help eliminate surface wetness.

The design water levels for the stormwater management system will be set to preclude negative drainage conditions upstream of the basin area.

The stormwater management and treatment system will be constructed to dissipate energy and prevent scouring at the basin inlets. In addition, the system will provide extended detention for pollution removal, and discharge to an area in which natural processes will provide further polishing of the stormwater prior to release into the existing drainage network.

Stormwater conveyance structure will be inspected routinely to ensure proper operation. The

Applicant will perform regular preventative maintenance and cleaning, including removal of debris from the catch basin, and pre-treatment areas, to minimize pollutant entering the stormwater management system.

PART VIII: LIGHTING IMPACT AND MITIGATION

Like any other large retail shopping center, Gateway Center can be expected to have lighting impact on receptors in the vicinity. The SDEIS elaborates the impact from lighting fixtures and has been satisfactorily discussed in the EIS. Town has agreed that the Applicant should to the extent practical:

Utilize flat lenses on pole mounts to minimize light spillage onto adjacent property

Plant more trees in the landscaped buffer area to the east to further shield from light glow.

Glare from headlights of vehicles and delivery trucks approaching the anchor stores are likely to have some impact. The buildings will block most of the light from vehicles except where the gaps between the buildings occur. The Applicant should, to the extent practical:

Erect fencing to cover the gaps between buildings to the east, so headlights will be screened from the eastern boundary line

Plant conifers with low or ground level branch spread in the landscaped buffer area to screen the diffused light.

PART IX: BUFFERING

Gateway Center will change the existing character of the Site, which is presently unoccupied, to high density commercial. The Town realizes the importance of protecting the quality of life in the residential zone to the immediate east of the Site.

The SDEIS and FEIS described a buffer zone, 105 feet wide, along the eastern property line. This buffer will comprise a 60-foot wide existing natural wooded area that will remain, and a 45-foot side landscaped area. The landscaped buffer zone will be comprised of conifers to screen contrast between the properties. Two species have been recommended by Cornell Cooperative Extension as being disease resistant and appropriate for site conditions: Austrian Pine and Douglas Fir. These species have been utilized in the site landscaping plan to provide the species with good viability. In addition, a rapid growing hybrid willow (Austree) is proposed within the landscaped area to provide the intended screening in the earliest possible time.

The Town's Forestry Department has accepted the landscape plan dated November 1, 2001 with the condition that:

the treeline along the eastern edge will have a minimum 30 foot centers; and
number of trees in the landscaped buffer zone be increased.

The Applicant has agreed to the conditions and will provide for the appropriate spacing and number of trees consistent with the accepted plan.

The use of herbicides and fertilizers in stabilizing permanent vegetation and maintaining any temporary vegetation during construction will be restricted in order to prevent contamination in run-off.

PART X: TAXES

The Gateway Center is expected to generate approximately between \$350,000 and \$500,000 in new annual revenues to district taxes and \$1,500,000 to \$3,000,000 in annual sales taxes. Since the Project will draw from local labor and service local or regional customers, an additional benefit will be realized from the money that is earned and spent within the community. In addition, the lack of demand on community services will provide an indirect benefit to the community.

The Town has determined that rezoning of the Site and operation of the Gateway Center would produce larger net tax benefits as compared to the functionality of the Site under present zoning and land use.

PART XI: EMPLOYMENT

Construction and operation of Gateway Center is expected to add approximately 1,400 employment positions to the region's economy, approximately 350 of which will be

fulltime positions and approximately 350 will be part-time, assuming full project build-out and operation. Construction of the retail center will involve the generation of approximately 700 construction jobs.

Many jobs in the National retail chain stores involve versatile career options in many different departments of retail business such as assets management, quality assurance, operations, logistics, marketing, merchandizing etc. Retail centers create opportunity for clerical, maintenance and technical expertise. They may also offer on-the-job training. While most jobs may be hourly wage jobs, they provide flexibility especially for youth and senior citizens. Hourly paid jobs are often advanced to Associate jobs, which offer valuable fringe benefits including health insurance, bonuses, profit sharing, retirement plans and other benefits.

The Town of Lancaster recognizes the value of these jobs to the community in terms of betterment of personal income, and the benefits to job-seekers.

PART XII: MASTER PLAN

The Town has considered the environmental impacts of the proposed rezoning and its compatibility with the currently proposed Comprehensive Plan. The Comprehensive Plan dated June 1999, represents the current thinking for not only Town of Lancaster, but also its neighbors: The Village of Depew and Village of Lancaster. The Plan has been recently approved by these two communities and has received a recommendation for approval from the Planning Board of the Town of Lancaster.

The Comprehensive Plan recognizes the growth and development in the Town as positive influences and helps identify areas of opportunity for continued revitalization of the community. The Plan also promotes an appropriate level of mix of industrial, commercial, residential, recreational and open space land use.

The Property in question is located along Transit Road, which has been recognized in the Comprehensive Plan, as a regional corridor for commerce. The State of New York had recently undertaken a major project to widen Transit Road from two lanes to five lanes, adjacent west of the Property, to accommodate and manage vehicular traffic and commercial development along Transit Road. The widening of Transit Road between Broadway and French Road as a regional corridor for commercial and business development has been supported by the Town of Lancaster, Village of Lancaster, Town of

Cheektowaga, Town of West Seneca and Village of Depew.

The Town finds that the Project meets the land use and dimensional criteria, and the objective of the regional commercial corridor, and therefore is in compliance with the Regional Comprehensive Plan.

PART XIII: ALTERNATIVES

In accordance with SEQRA Regulations, the SDEIS contained discussion of alternatives to the requested rezoning.

Alternatives considered included the "No-Action Alternative" including a "no-build" scenario and a "as-of-right" alternative without rezoning the Property, alternative sites, and alternative layout and design.

The Town finds that these alternatives prohibit the optimum use of land due to ecological or economic constraints.

The As-of-Right alternative could result in use of the Property for vehicle retail, repair and servicing facilities, or motels and warehouses under the existing CMS zoning. This would be more damaging to the environment and less profitable to the local economy. Threat of spillage or leakage of fuel or chemicals would be far greater, while also creating more noise, air pollution and traffic under CMS. The existing zoning allows potential for smaller and more numerous parcels, which can cause greater traffic hazard because of multiple curb cuts and lack of access management.

The Town finds that the Applicant has demonstrated an ability and willingness to conduct activities in an environmentally sensitive manner, meeting the standards imposed by Federal, State and Local involved or interested agencies.

The configuration of the site, proximity to related shopping opportunities, relatively moderate environmental impacts, availability of public infrastructure to service the site were not available at the alternative sites considered.

Accordingly, the Town is satisfied that the applicant has adequately shown that the alternatives to re-zoning at the proposed Site are not feasible in light of the overall objectives of the project sponsor and the Town.

PART XIV: MISCELLANEOUS

In the Petition to rezone, the Applicant incorporated a number of measures that would mitigate or eliminate the significant and potential environmental impacts associated with the

development of Gateway Center. These mitigation measures are presented in Section 6 of the SDEIS and throughout the FEIS. They are summarized below.

Exterior lighting will be arranged such that adjacent property on the eastern side will be protected from glare or light intrusion. Flat lenses will be used to prevent bubble glow where necessary.

Traffic congestion along Transit Road and William Street will be mitigated to the extent the existing level of service can be maintained or improved. This will be achieved through measures stated in Paragraphs 28 and 29 of this Findings Statement.

The Applicant will mitigate impacts to wetlands on site by creating replacement wetlands off-site and preserving a high quality wooded area north of the Site, as well as working out a cooperative plan with Ducks Unlimited, following concurrence with the USACOE on the mitigation plan. The NYSDEC will be required to issue Water Quality Certification during the USACOE's permit approval process.

Some soil erosion will occur during construction as a result of clearing, grubbing, grading, excavating and other earth-moving operations. Sediment loading to surface waters will be minimized by conventional temporary and permanent erosion and sediment control measures (e.g. silt fences and hay bales, rip-rap lined channels, and sedimentation basins etc.) during construction. Permanent drainage swales and a detention basin will be used to reduce sediment after construction. The total area of soil disturbance will be minimized by construction sequencing. These measures coupled with the relatively flat topography of the site, should adequately mitigate impacts from sedimentation and erosion. The Applicant will be responsible for maintenance, inspection and preventative maintenance of sediment and erosion control features post-construction. Any undeveloped but undisturbed areas must be seeded and maintained with a successful vegetative cover.

Building foundation will not be laid on bedrock, which has been shown by sewer installation, work on Transit Road to be 10 feet below surface. Site specific earth borings have been made on the site to assess subsurface geotechnical conditions for foundation design. The borings confirmed that bedrock should not be encountered during site construction. Therefore, no impact to bedrock should occur.

Best management practices, such as conventional air emission control devices, will be used for construction equipment, to minimize impact to the existing air quality. Site preparation and other construction activities can be expected to generate fugitive dust. Applicant must control fugitive dust by minimizing area of exposure, spraying water during dry conditions

and operating construction vehicles at appropriate speed throughout the construction phase of the Project. The 60 foot wide treed-buffer will help filter suspended particulate matter from the project site. At the operational phase, some pollution from commuter and maintenance vehicles is inevitable, though not significant. Operational air quality impairment cannot reasonably be expected to be significant in consideration of conditions at similar type and scale of development.

The 105-foot buffer at the eastern property line will help mitigate visual, aesthetic and light impacts to the residents at the Northwoods Subdivision. Additional plantings will be planted in the 45-foot wide landscaped area in the rear of the buildings. The requirements for the buffer are stated in Paragraphs 54 and 55 of this Findings Statement.

Noise impact to the residential subdivision to the east of the Project must be minimized as per measures stated in Paragraph 43.

Cultural Resource Investigation on the Site and 10 acres northward thereof, has shown that the structures on and around the Site are excluded from the State or National Register of Historic Places. Location of the Site in relation to State Bottom and Cayuga Creeks renders it potentially archaeologically sensitive. Phase 1B testing undertaken for the Site excluding wetlands and previously disturbed sites, however, did not identify any cultural material. The results were conveyed to the Office of Parks, Recreation and Historic Preservation (OPRHP) in August 2001. OPRHP concurred that there will be no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places. Review of the State's sensitivity mapping indicates the proposed mitigation site located near the intersection of Broadway and Steinfeldt Road is well outside of any mapped areas of sensitivity. This independent review was undertaken originally to assess the need for a comprehensive cultural resources investigation of the site. The request to provide additional information regarding this site appears to have been made in error, presumably based on a poor description of the project location.

The eight foot high stockade fences constructed between the gaps in the buildings along the eastern property line will help ameliorate the visual impact of the lighting and contrast of the commercial building.

PART XV: CONCLUSION

The process undertaken by the Town to review the Gateway Center Project has provided a means for agencies, the project sponsors, and the public to systematically consider significant adverse

environmental impacts, alternatives and mitigation. The process has allowed the weighing of social, economic and environmental factors early in the planning and decision-making process.

A direct social benefit of the retail development would be the added convenience to consumers from adjacent residential communities. As opposed to traveling farther distances along busy traffic routes, they will be able to avail themselves to the goods and services offered by National Retail vendors, in their own neighborhoods. Collectively, Wegman's Food Market, Flix Theater, restaurants, a gas station, and Eckerd's drug store in the direct vicinity of the Gateway Center, will be able to cater to most retail, food, entertainment and leisure-time demands of the local community.

The Town of Lancaster, with a population of approximately 35,000 people, presently does not have any discount retail department stores within the Town. Tremendous local support for the project has been expressed in favor of such a development as indicated by the approximately 4,000 signatures presented on various petitions and numerous letters of support over the past 2-3 years. This support indicates the need and desire for this type of shopping alternative within the Town of Lancaster. The nearest similar store is an older K-Mart in the Town of Cheektowaga, which may face closure in light of the recent bankruptcy filing by K-Mart.

Typically, the primary local source of tax revenue from the retail development will be from property taxes. As compared to annual tax revenue of \$35,400 from small land parcels presently occupying the land under CMS and R1 zoning, the retail development is expected to generate between \$350,000 to \$500,000 in property taxes, upon rezoning the entire site to GB. This estimate is based upon the approximately 250,000 to 300,000 square footage that is proposed for construction. The Town of Lancaster and Erie County will also derive \$1,500,000 to \$3,000,000 annually in sales taxes from the retail plaza. Due to the nature of the proposed development (i.e. retail), IDA tax breaks would not apply, thus avoiding the dilution of the economic benefit.

A leading benefit of the project is to induce economic impetus that is much needed in a community where residential expansion is disproportionately outgrowing commercial and industrial development and to satisfy local consumer demands. The Town of Lancaster's current draft Comprehensive Plan also recognizes the advantages of growth in the Town in the following statements:

- growth and development can be very positive influences,
- promote an appropriate level and mix of industrial, commercial, residential, recreational, and open space land uses, and
- identify areas of opportunity for continued revitalization of the community.

The Town of Lancaster and Villages of Lancaster and Depew have been in the process of updating their Master Plans for several years, resulting in the current draft of "A Comprehensive Plan" dated June 1999 by Peter J. Smith & Company, Inc. and The Saratoga Associates. This Regional Comprehensive Plan for the Town of Lancaster, Village of Lancaster and Village of Depew celebrates the interdependence of the communities, presents a shared vision for their future, and encourages a cooperative approach to achieving community land use, development and transportation goals. This Comprehensive Plan has recently been approved by the Villages of Lancaster and Depew and received a recommendation for approval from the Town of Lancaster's Planning Board.

The Regional Comprehensive Plan developed by the Town of Lancaster, Village of Lancaster and Village of Depew in September 1999 also recommended designating Transit Road as regional commercial route with adequate depth to accommodate commercial development to serve regional needs. The development of the Gateway Center is just one such application of this plan.

Another direct economic impact of the Gateway Center would be on the Flix theater across the project site on William Street. As the Gateway Center builds out the potential for shared customers through greater exposure may increase business for the complex. Business is slow for the Flix theater at present, as it is difficult to compete with other movie theater chains which are supported by major commercial development in their vicinity.

Similarly, sales at Wegmans Food Market across from the site on Transit Road are also expected to improve due to the development of Gateway Center. The Gateway Center will provide more exposure to the neighboring businesses and attract more people more frequently. This will lead to increased sales caused by the economic multiplier effect associated with commercial development. The success of a large commercial complex amidst residential neighborhoods will help the Town of Lancaster realize its goal to balance its residential growth with commercial

growth and achieve a symbiotic relationship between the two.

The weighing and balancing of environmental impacts against social, economic and other considerations has included a range of issues touching all the relative physical conditions of the site as well as the existing community or neighborhood character. The concentrated study of wetlands, traffic, stormwater drainage, noise, air quality, and cultural resources have found that some impacts will be unavoidable, but through significant efforts to avoid, minimize or mitigate impacts have moderated those impacts to a level that, in balance with the overall benefits of the project, allows the Town to approve the project.

CERTIFICATION OF FINDINGS TO APPROVE

Having considered the Supplement Draft and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. 617.11, this Statement of Findings certifies that:

The requirements of 6 N.Y.C.R.R. Part 617 have been met.

Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

TOWN OF LANCASTER TOWN BOARD

<u>Robert H. Giza</u>	<u>Robert H. Giza</u>
Signature of Responsible Official	Name of Responsible Official

<u>Supervisor</u>	<u>April 12, 2002</u>
Title of Responsible Official	Date

21 Central Avenue, Lancaster, New York 14086
Address of Agency

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 13911 to Claim No. 14209 Inclusive

Total amount hereby authorized to be paid: \$1,050,131.63

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit Applications be and are
hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

TABLED PERMIT:

Pmt #	Applicant Name	Address	Structure
8711	Voicestream Wireless	0 Penora St	Er. Com. Tower

NEW PERMITS:

8973	Buffalo Pools Inc	127 Sixth Ave	Er. Pool-Abv Grnd (V/L)
8974	Duro-Shed Inc	7 Whitestone Ln	Er. Shed
8975	Iroquois Fence Co	395 Seneca Pl	Er. Fence
8976	Niagara Construction	4 Arrow Trl	Er. Res. Add.
8977	Ryan Homes Inc	32 Creekwood Dr	Er. Dwlg.-Sin.
8978	Mochol, Kenneth	5809 Broadway	Er. Sign
8979	Galante, Pietro	37 Hill Valley Dr	Er. Dwlg.-Sin.
8980	Regan, J Michael	70 Pleasant Ave	Er. Garage (V/L)
8981	Tamsett, David	20 Village View	Er. Shed
8982	Anthon, William	37 Quail Run Ln	Er. Pool-Abv Grnd
8983	Anthon, William	37 Quail Run Ln	Er. Deck
8984	Mitola, Patrick	5 Village View	Er. Res. Add.
8985	Majestic Pools Inc	25 Michael's Walk	Er. Fence
8986	Majestic Pools Inc	25 Michael's Walk	Er. Pool-In Grnd
8987	Delzer, Kevin	76 Pleasant Ave	Er. Garage (V/L)
8988	Sun Enterprises	57 Williamsburg Ln	Er. Shed
8989	Buffalo Pools Inc	4 Westbury Ln	Er. Pool-Abv Grnd
8990	Walters, Eric	1 Via Tripodi	Er. Deck
8991	Rich Pools Inc	21 Sugarbush Ln	Er. Pool-Abv Grnd
8992	Duro-Shed Inc	20 Farmview Ct	Er. Shed
8993	Dunford, Thomas	16 Petersbrook Cir	Er. Fence
8994	Czarnecki, Helen, et al	0 Commerce Pkwy	Er. Comm. Bldg. (V/L)
8995	Benzel, Robert	28 Lombardy St	Er. Fence (V/L)
8996	WFB Enterprises Inc	26 Redlein Dr	Er. Dwlg.-Sin.
8997	Davis, Karen	13 Kurtz Ave	Er. Shed (V/L)
8998	Murphy, Timothy	478 Lake Ave	Er. Shed
8999	Coffey, Brian	63 Village View	Er. Shed
9000	Benson, Kenneth	124 Pavement Rd	Er. Shed

9001	Albert V Randaccio	10 Buckingham Ct	Er. Dwlg.-Sin.	
9002	Schmitt's Garage Inc	5255 Genesee St	Er. Comm. Bldg.	
9003	Premier Fence Co	5994 Genesee St	Er. Fence	
9004	J Gun Enterprises Inc	83 Heritage Dr	Er. Pool-Abv Gmd	
9005	Crocker, Donald	8 Overton Ct	Er. Deck	
9006	Coffelt, Dana	3 Clermont Ct	Er. Deck	
9007	Oneida Concrete	48 Rehm Rd	Er. Fence	
9008	Ryan Homes Inc	12 Creekwood Dr	Er. Dwlg.-Sin.	
9009	Smith, Ronald	191N Maple Dr	Er. Fence	
9010	Sun Enterprises Inc	6 Northbrook Ct	Er. Shed	
9011	Colley's Pool Sales	24 Hillside Pky	Er. Pool-In Gmd	
9012	Colley's Pools Sales	24 Hillside Pky	Er. Fence	
9013	Sarmat Construction	1168 Penora St	Er. Garage	
9014	Wheatley, Wayne	37 Westwood Rd	Er. Guzebo	
9015	Adolf, John	68 Stony Rd	Er. Garage	
9016	Kaczmarek, Glenn	70 Banner Ave	Er. Fence	(V/L)
9017	Hapeman Enterprises	10 Elm Pl	Er. Res. Add.	(V/L)
9018	Rich Pools Inc	399 Seneca Pl	Er. Pool-Abv Gmd	
9019	Sun Enterprises	0 Wyandotte St	Er. Shed	(V/L)
9020	Cornerstone General	69 Southwest Pky	Er. Deck	(V/L)
9021	Majestic Pools Inc	35N Aurora St	Er. Pool-Abv Gmd	(V/L)
9022	Gram, Daryl	15 Ryan St	Er. Deck	
9023	Buffalo Pools Inc	41 Irwinwood Rd	Er. Pool-Abv Gmd	(V/L)
9024	Duro-Shed Inc	25 Woodgate Dr	Er. Shed	
9025	Forbes Homes	226 Pavement Rd	Er. Dwlg.-Sin.	
9026	John Kroll	8 Willow Ridge Ct	Er. Fence	
9027	Powell, Donald	116 Steinfeldt Rd	Er. Overhang	
9028	Iroquois Fence Co	5764 Broadway	Er. Fence	
9029	Bykowicz, Michael	2099 Como Park Blvd	Dem. Garage	(V/L)
9030	KCM Custom Built	13 Apple Blossom Blvd	Er. Shed	
9031	Majestic Pools Inc	53 Stony Brook Dr	Er. Fence	
9032	Majestic Pools Inc	53 Stony Brook Dr	Er. Pool-In Gmd	
9033	Majestic Pools Inc	112 Michael's Walk	Er. Pool-In Gmd	
9034	Essex Homes of WNY	14 Fox Trace	Er. Dwlg.-Sin.	
9035	Lovejoy Builders Inc	1 Ann Marie Dr	Er. Dwlg.-Sin.	
9036	Kidder, Thomas	27 Hemlock Ln	Er. Deck	
9037	Barden Homes	114 Peppermint Rd	Er. Dwlg.-Sin.	
9038	Duro-Shed Inc	27 Apple Blossom Blvd	Er. Shed	
9039	Albert V Randaccio	29 Windcroft Ln	Er. Dwlg.-Sin.	
9040	Donato Developers	28 Hunters Dr	Er. Dwlg.-Sin.	
9041	Donato Developers	197 Nathan's Trl	Er. Dwlg.-Sin.	
9042	Duro-Shed Inc	12 Hampton Ct	Er. Shed	
9043	Capretto Enterprises Inc	17 Hunters Dr	Er. Dwlg.-Sin.	
9044	Marrano/Marc Equity	26 Cedar Brook Dr	Er. Dwlg.-Sin.	

9045	Duro-Shed Inc	144 Siebert Rd	Er. Shed	
9046	Marzec Construction	71S Irwinwood Rd	Dem. Garage	(V/L)
9047	Marzec Construction	71S Irwinwood Rd	Er. Garage	(V/L)
9048	A-Z Variety Home	101 Brunck Rd	Er. Deck	
9049	Armor Fence Co	22 Stony Brook Dr	Er. Fence	
9050	Kostorowski, Ronald	464 Pleasant View Dr	Er. Deck	
9051	Majestic Pools Inc	77 Michael's Walk	Er. Fence	
9052	Majestic Pools Inc	77 Michael's Walk	Er. Pool-In Grnd	
9053	Marrano/Marc Equity In	47 Hill Valley Dr	Er. Dwlg.-Sin.	
9054	Patio Enclosures	35 Village View 4779 meadow	Er. Res. Add.	
9055	Transit-Rehm Associates	6363 Transit Rd	Er. Comm. Add.	
9056	Royalty Fence	51 Trentwood Trl N	Er. Fence	
9057	Iroquois Fence	18 Stream View Ln	Er. Fence	
9058	Iroquois Fence	271 Enchanted Forest N	Er. Fence	
9059	Rozler, Susan	3758 Bowen Rd	Er. Fence	
9060	Buffalo Pools Inc	88 Central Ave	Er. Pool-Abv Grnd	(V/L)
9061	Stearns, Joseph	933 Ransom Rd	Er. Sign	
9062	Fisgus, John	50 Trentwood Trl N	Er. Deck	
9063	PCB Piezotronics	Hinchey Ave	Inst. Tank	(V/L)
9064	Beebe Construction	21 Fieldstone Ln	Er. Deck	
9065	Majestic Pools Inc	466 Harris Hill Rd	Er. Fence	
9066	Majestic Pools Inc	466 Harris Hill Rd	Er. Pool-In Grnd	
9067	New Dimensions	2072 Como Park Blvd	Er. Deck Roof	(V/L)
9068	Premier Fence Co	10 Riemers Ave	Er. Fence	
9069	Slivan Constuction	52 Albert Dr	Er. Pool-Abv Grnd	(V/L)
9070	All Craft Inc	49 Bentley Cir	Er. Res. Add.	
9071	Emy, Ernest	4 Sherwood Rd	Er. Fence	(V/L)
9072	Albert V Randaccio	5 Buckingham Ct	Er. Dwlg.-Sin.	
9073	Albert V Randaccio	4 Buckingham Ct	Er. Dwlg.-Sin.	
9074	Rich Pools Inc	72 Freeman Dr	Er. Pool-Abv Grnd	
9075	Vickard Pools	20 Vandenberg Ave	Er. Pool-Abv Grnd	(V/L)
9076	Chameleon Pools	8 Overton Ct	Er. Fence	
9077	Chameleon Pools	8 Overton Ct	Er. Pool-In Grnd	
9078	Gekas, Timothy	5098 William St	Er. Shed	
9079	Sniadecki, Joseph	62 Brady Ave	Er. Fence	(V/L)
9080	J Gun Enterprises Inc	1363 Ransom Rd	Er. Pool-Abv Grnd	
9081	Buffalo Pools	6 Westbury Ln	Er. Pool-Abv Grnd	
9082	Luh, John	7 Mount View Pl	Er. Fireplace	(V/L)
9083	D M U Fence	5 Westbury Ln	Er. Fence	
9084	Majestic Pools Inc	19 Katelyn Ln	Er. Fence	
9085	Majestic Pools Inc	19 Katelyn Ln	Er. Pool-In Grnd	
9086	Chase, Karen	47 Hillside Pky	Er. Fence	
9087	Design Works LLC	6337 Transit Rd	Er. Sign	
9088	MacKay, Christine	34 Fairfield Ave	Er. Deck	(V/L)

9089	Ray Dion	1204 Penora St	Er. Deck	
9090	Karas, Joseph	53 Bentley Cir	Er. Shed	
9091	City Fence Inc	48 Gale Dr	Er. Fence	
9092	Colley's Pool Sales	166 Central Ave	Er. Fence	(V/L)
9093	Colley's Pool Sales	166 Central Ave	Er. Pool-In Grnd	(V/L)
9094	Campanella, Michael	6397 Genesee St	Er. Pool-Abv Grnd	
9095	Aquino, John	9 Park Walk	Er. Deck	
9097	Marrano/Marc Equity	15 Summerfield Dr	Er. Dwlg.-Sin.	
9098	Johnson, Richard	156 Sixth Ave	Er. Deck	(V/L)
9099	Gee, Mark	14 Erie St	Er. Res. Add.	(V/L)
9100	Premier Fence Co	726 Ransom Rd	Er. Fence	
9101	Buscaglia, Steven	49 Michael Anthony Ln	Er. Deck	
9102	Duro-Shed Inc	44 Woodgate Dr	Er. Shed	
9103	City Fence Inc	44 Woodgate Dr	Er. Fence	
9104	Duro-Shed Inc	0 Genesee St	Er. Shed	
9105	Duro-Shed Inc	144 Nathan's Trl	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 6, 2002

File:Rbldg2

COMMUNICATIONS & REPORTS:

504. Highway Superintendent to Planning Board Chairman -
Notice of approval from the Highway Department for the site plan for The Garden Place Hotel. DISPOSITION = Planning Committee
505. Highway Superintendent to Planning Board Chairman -
Notice of approval from the Highway Department for the site plan for Electrosynthesis, 72 Ward Road. DISPOSITION = Planning Committee
506. Forestview Restaurant to Town Clerk -
Advisement of renewal of liquor license. DISPOSITION = Town Attorney
507. Daniel Beutler to Planning Board -
Concerns and comments regarding the proposed William/Transit retail center. DISPOSITION = Planning Committee
508. Zoning Board of Appeals Chairman to Supervisor -
Recommendation for new signage and improved police patrols on Edward Street to mitigate potential increase in traffic caused by proposed Tim Horton's Coffee and Baked Goods Restaurant. DISPOSITION = Planning Committee
509. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of approval from the Town Forestry Department for the site plan of Electrosynthesis and The Garden Place Hotel and no recommendation for Werhle Commons due to lack of landscape plan submission. DISPOSITION = Planning Committee
510. Paul H. Przybysz to Town Board -
Comments and recommendations regarding the NEC Transit Road and William Street development. DISPOSITION = Planning Committee
511. Erie County Department of Environment and Planning to Town Attorney -
Notice of Lead Agency Designation to the Town of Lancaster regarding Tops Markets Fuel Station. Comments noted. DISPOSITION = Received and Filed
512. Erie County Department of Environment and Planning to Town Attorney -
Notice of Lead Agency Designation to the Town of Lancaster regarding Tim Horton's Coffee and Baked Goods Restaurant. Comments noted. DISPOSITION = Received and Filed
513. Town of Cheektowaga to Town Clerk -
Notification of solicitation for lead agency status for proposed gas station, convenient store and carwash at 5050 - 5100 Genesee Street. DISPOSITION = Received and Filed
514. Town Clerk, Town of Pembroke to Town Board -
Transmittal of resolution objecting to the relocation of Williamsville Toll Barrier. DISPOSITION = Received and Filed
515. Christina Smith to Town Clerk -
Letter regarding need for sidewalks along Rehm Road. DISPOSITION = Sidewalks & Curbs Committee
516. Village of Lancaster to Town Board -
Transmittal of Official Organizational Meeting Minutes of April 8, 2002. DISPOSITION = Received and Filed
517. Village of Lancaster to Town Board -
Transmittal of Official Meeting Minutes of April 8, 2002. DISPOSITION = Received and Filed

518. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held April 17, 2002.
DISPOSITION = Received and Filed
519. Town Clerk to Zoning Board Members, Building Inspector, Deputy Town Attorney -
Transmittal of legal notice of a Public Hearing to be held on May 9, 2002 regarding the variance petitions of 660 Hall Road, 31 Traceway, 4807 William Street, and N.E. corner of Transit Road and William Street. DISPOSITION = Received and Filed
520. Safety Director to Town Board -
Minutes of Safety Committee meeting of April 17, 2002. DISPOSITION = Received and Filed
521. Planning Board To Town Board -
Recommendation to approve site plan for Electrosynthesis, 72 Ward Road.
DISPOSITION = Received and Filed
522. Chris T. Brunea, Attorney at Law to Supervisor -
Request resolution by Town Board prohibiting deer hunting west of Harris Hill Road and west of Central Avenue within the Town. DISPOSITION = Received and Filed
523. Concerned Parents of Pinetree Farms to Town Board -
Request for a stop sign at intersection of Hemlock Lane and Cardinal Court.
DISPOSITION = Safety Committee
524. Erie County Legislator David Dale to Legislature Chairman Albert DeBenedetti -
Comments and concerns regarding the extra 1% sales tax. DISPOSITION = Received and Filed
525. Town Line Fire Department to Town Board -
Invitation to 46th annual "Community" Memorial Day Service to be held May 27, 2002.
DISPOSITION = Received and Filed
526. Kathleen Mucko to Town Board -
Letter of resignation effective May 11, 2002. DISPOSITION = Received and Filed
527. Lancaster Area Chamber of Commerce to Town Board -
Update of Broadway reconstruction progress. DISPOSITION = Received and Filed
528. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notice of SEQR meeting, May 6, 2002 at 6:30 PM regarding the site plan applications of The Garden Place Hotel, Electrosynthesis, SBA Properties, Inc.; the scoping session of Wehrle Commons, and the reopening of the review of Fairway Hills Subdivision.
DISPOSITION = Received and Filed
529. Town Clerk to Various News Media -
Notice to media of SEQR MRC meeting, May 6, 2002 at 6:30 PM regarding The Garden Place Hotel, Electrosynthesis, SBA Properties, Inc., Wehrle Commons, and Fairway Hills Subdivision. DISPOSITION = Received and Filed
530. The National Arbor Day Foundation to Supervisor -
Advicement of the Town being named as a 2001 Tree City USA. DISPOSITION = Received and Filed
531. Chief of Police to Planning Board Chairman -
Notice of approval from Police Department for the revised site plan for Tim Horton's Coffee and Baked Goods Restaurant. DISPOSITION = Planning Committee
532. NYSEG to Town Board -
Street lighting proposal for Town Center on Pavement Road. DISPOSITION = Resolution 5/6/02

533. Town Engineer to Town Board -
Letter advising of change order for work on library doors. DISPOSITION = Resolution 5/6/02
534. Fox & Company LLP to Director of Administration & Finance -
Notice of filing of New York State Annual Financial Report Update Document for the Year Ended December 31, 2001. DISPOSITION = Received and Filed
535. NYS Department of Environmental Conservation to Interested Parties -
Recognition of 30th anniversary of New York State's Clean Water Act.
DISPOSITION = Received and Filed
536. Town Engineer to Town Board -
Recommends acceptance of Walnut Creek Subdivision Phase II, Part 4 Public Improvements; Permits No. 551, pavement and curb; No. 547, storm sewer; No. 550, water line. DISPOSITION = Resolution 5/6/02
537. NYS Department of Environmental Conservation to Town of Cheektowaga -
Notification of Lead Agency Designation to the Town of Cheektowaga regarding the rezone petition 5050-5100 Genesee Street. Comments noted. DISPOSITION = Received and Filed
538. General Crew Chief to Supervisor -
Request resolution for appointment of seasonal employees. DISPOSITION = Resolution 5/6/02
539. Shawn P. Browne to Zoning Board of Appeals -
Recommendation to deny permit for a 6 foot stockade fence at 4 Trentwood Trail.
DISPOSITION = Town Attorney
540. Mr. & Mrs. Shawn P. Browne and Mr. & Mrs. Shawn Masterson to Zoning Board of Appeals -
Recommendation to deny permit for a 6 foot stockade fence at 4 Trentwood Trail.
DISPOSITION = Town Attorney
541. Planning Board to Town Board -
Recommendation to approve site plan for The Garden Place Hotel, 6615 Transit Road.
DISPOSITION = Resolution 5/6/02
542. Planning Board to Town Board -
Recommendation to approve revised site plan for Tim Horton's Coffee & Baked Goods Restaurant, 3600 Walden Avenue with conditions. DISPOSITION = Resolution 5/6/02
543. Planning Board Chairman to Planning Board Members, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held May 1, 2002. DISPOSITION = Received and Filed
544. NYS DOT to Town Attorney -
Review of revised site plan for Tim Horton's Coffee and Baked Goods Restaurant with comments. DISPOSITION = Resolution 5/6/02
545. Town Clerk to Town Board -
Copy of third settlement payment to Erie County for 2002 County/Town tax warrant.
DISPOSITION = Received and Filed
546. Roy H. Schneggenburger to Captain Leon Trzewieczynski -
Comments regarding FOIL requests of April 24, 2002. DISPOSITION = Received and Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER STEMPIAK AND SECONDED BY
COUNCIL MEMBER RUFFINO, ON ROLL CALL, WHICH RESULTED AS FOLLOWS:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	VOTED YES
SUPERVISOR GIZA	VOTED YES

The meeting was adjourned at 10:35 P.M.

Signed 
Johanna M. Coleman, Town Clerk